GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD Department – V&QC Report – Allegations of Irregularities in execution of certain CC road works in Chapuram (V), Srikakulam – Charges against Sri D. Kesava Rao, former MEO, MPP, Srikakulam and retired Assistant Executive Engineer (PR) and others held proved - Imposition of penalty of withholding 15% pension for a period of (4) years under APCS (CCA) Rules, 1991 r/w Rule-9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.25 **Dated:10-01-2024.**

Read the following:-

1. From the ENC, PR, Letters No. Ser.I(1)/775279/2017, dt:25.11.2019 & 19.02.2020.
2. G.O.Ms.No.609, PR&RD (Vig-I) Department, dated 20.03.2020
3. G.O.Rt.No.169, PR&RD (Vig.I) Department, dated 20.03.2020.
4. From ENC, PR, AP, Vijayawada, Letter No. Vig. I (1)/775279/2015, dt:13.08.2020.
5. G.O.Rt.No.604, PR&RD (Vig.I) Department, Dt:28.10.2020.
6. From the CE, PR/ER/775279/2015, dt: 13.07.2021.
7. Govt. Memo NO. 11843/Vig. I/2019-5, Dt: 18.01.2022.
8. From the ENC,PR, Letter No. Vig. I(1)/775279/2017, dt.17.03.2022.
9. Govt. Memo NO. 11843/Vig. I/2019-8, Dt: 19.01.2023.
10. From D. Kesava Rao, AEE/MEO, MPP, Srikakulam (now retired), representation, dt.24.02.2023.
11. Govt. Letter.No..11843/Vig.I/2019-13, 14 & 15 Dt:05.05.2023.
12. From the Secretary, AP Public Service Commission, Letter.No.GAD03-APPS0DCC/53/2023-DC SEC-APPSC (Computer No.2086542), Dt:15.06.2023.
13. G.O.Ms.No.124, General Administration(Ser.A) Dept., dt.04.12.2023

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ORDER:

Based on the recommendations of the Engineer-in-Chief, Panchayat Raj, in the reference 1st read above, Government have accorded sanction under sub-clause (i) clause (b) of sub-rule (2) of Rule 9 of A.P. Revised Pension Rules, 1980 vide reference 2nd read above to initiate departmental proceedings against Sri D. Kesava Rao, Mandal Engineer Officer, MPP, Srikakulam (now retired). Accordingly vide reference 3rd read above, charges have been framed against him on allegations of irregularities in execution of certain CC roads and drain works in Chapuram (V) Srikakulam District and caused loss to Govt. funds to a tune of Rs.20,26,253/- and for violation of Rules, 3(1) and 3(2) of APCS (Conduct) Rules, 1964 under Rule 20 of APCS (CC&A) Rules, 1991, with a direction to submit his written statement of defence.

2. In the reference 4th read above, the Engineer-in-Chief, PR, has furnished the written statement of defence of the charged officer Sri D. Kesava Rao, former MEO, MPP, Srikakulam and retired AEE dt: 21.07.2020 among others to Government for taking further action.

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3. After examination of the matter, Government have decided to conduct regular inquiry into the matter. Accordingly, in the reference 5th read above, Government have appointed the Chief Engineer, PR-I, O/o the ENC, PR, AP, Vijayawada as the Inquiry Authority under Rule 20 (2) of A.P.C.S (CC&A) Rules, 1991 to inquire into the charges framed against the Charged Officer Sri D. Kesava Rao, MEO/AEE (Retired) and also other two (2) Co-Charged Officers involved in the case.

4. In the reference 6th read above, the Inquiring Authority has furnished Inquiry Report dt:13.07.2021 along with his findings on each Charged Officer. In the findings the Inquiring Authority, among others, has held that the charge framed against the Charged Officer Sri D. Kesava Rao, MEO/AEE (Retired) is held proved.

5. In the reference 7th read above, Government have communicated the copy of the Inquiry report to the Charged Officer Sri D. Kesava Rao, MEO/AEE (Retired) along with other (2) Co-Charged Officers for submitting his representation, if any, on the findings of the Inquiry Authority.

6. In the reference 8th read above, the Engineer-In-Chief, PR has furnished the representation of the Charged Officer Sri D. Kesava Rao, MEO/AEE (Retired) dt:26.02.2022, wherein the Charged Officer has stated that the deficiencies observed were within tolerable limits except strength of concrete for CC pavement. The CC roads executed achieved strength of M20 which can sustain the traffic volume of village internal roads. The Government issued instructions in Memo No.1073/Progs.I/2016-1, PR&RD (Progs.I) Department, Dt: 25.01.2016 to adopt nominal mix of VCC (1:2:4) equivalent to M20 mix for all internal roads where traffic intensity is less than 50 CVPD (Commercial Vehicle Per Day). The roads attained the strength of M20 grade and admissible in terms of above modified instructions of the Government. The Inquiry Authority has not considered his defence and he was retired from service on 31.03.2020 and some of his retirement benefits were not settled due to the disciplinary case and requested to exonerate him from the charge.

7. Government have examined the matter and observe that as per the Inquiry Report, out of the 21 road works, the deficiencies in three (3) road works are within permissible limits, sixteen (16) works were rejected since the core strength of M30 concrete did not achieve the desired strength and one (1) road work was rejected since deficiency was more than 20%. The Inquiring Authority has mentioned that the total proposed recovery amount of Rs.21,25,253/- has been recovered and there is no financial loss and he has also mentioned that the above M30 grade CC pavement works were sanctioned prior to the modified instructions issued vide Govt.Memo.No.1073/ Progs.I/2016-1, PR&RD. Department, Dt:25.01.2016 and executed in the transition period and held that out of the 21 roads mentioned in the charge, 16 roads failed to achieve M30 grade concrete strength and deficiency is more than 20% for (1) road work and held that charge is held proved against the Charged Officer.

8. Government have also examined the contention of the Charged Officer that the M20 Grade concrete is admissible in terms of the instructions issued in Memo No.1073/Progs.I/2016-1, PR&RD (Progs.I) Department, Dated: 25.01.2016 and to consider his representation and to exonerate him from

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the charge, but the contention of the Charged Officer is not tenable since the works in question were sanctioned for execution with M30 grade concrete and the Charged Officer, who is primary executing officer herein, has executed the works with less strength of M20 grade. As such the Charged Officer is held responsible in the matter.

9. Government, after examining the matter keeping in view of the findings of Inquiring Authority, has provisionally decided to impose penalty of 15% cut in pension for a period of four (4) years on Sri D. Kesava Rao, former MEO, MPP, Srikakulam and retired Assistant Executive Engineer (PR) and accordingly vide reference 9th read above, he has been directed to show cause as to why the above penalty should not be imposed on him under Rule 9 of APRPR, 1980. In reply, in the reference 10th read above, Sri D. Kesava Rao, MEO, Srikakulam (now retired) has requested to conclude the case and settle his balance terminal benefits at an early date. Accordingly, it is therefore considered to proceed further and consulted the APPSC vide reference 11th read above.

10. In the reference 12th read above, the APPSC has advised to impose a 10% cut in pension permanently on the Charged Officer. However, the Government after examining the matter with reference to the orders issued in the reference 13th read above, have decided to proceed further with the provisional decision taken by the Government i.e., to impose the penalty of withholding 15% pension for a period of four (4) years on Sri D. Kesava Rao, former MEO, MPP, Srikakulam and retired Assistant Executive Engineer (PR).

11. Government, after careful examination of the matter hereby order to impose penalty of "withholding 15% pension for a period of four (4) years" under APCS (CCA) Rules, 1991 read with Rule-9 of APRPR 1980 against Sri D. Kesava Rao, former MEO, MPP, Srikakulam and retired Assistant Executive Engineer (PR), as the charge was held proved in the matter.

12. The Engineer-in-Chief, Panchayat Raj, AP., Vijayawada shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. RAJSEKHAR,
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To
Sri D. Kesava Rao, former MEO, MPP, Srikakulam and retired Assistant Executive Engineer (PR), Srikakulam District through Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada. (in duplicate with a request to obtain and furnish the dated acknowledgment of the orders)
Copy to:
The Secretary, A.P. Public Service Commission, Vijayawada.
The Secretary, A.P. Vigilance Commission, Velagapudi.
The Accountant General, AP, Vijayawada.
Sf/Sc.

//FORWARDED::BY::ORDER//

SECTION OFFICER